

**REMARKS**

**Pending Claims 12-39.** In the Final Office Action, Examiner Song rejected pending claims 12-39 on various grounds. The Applicant responds to each rejection as subsequently recited herein, and respectfully requests reconsideration of the present application:

- A. Examiner Song rejected claims 12-28 under 35 U.S.C. §112, ¶2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention

The Applicant respectfully traverses this indefinite rejection of claims 12, 18-20, 22, 27 and 28. Specifically, the filter function “for retaining a substance originated from the radiation source” as recited in independent claim 12 does not require an explanation of how this function is performed by the filter to comply with the requirements of 35 U.S.C. §112, ¶2.

Additionally, as to the traversal:

1. claims 18-20 depend from dependent claim 13 which provides a proper antecedent basis for “the support structure” as recited in dependent claims 18-20;
2. dependent claim 20 was previously amended to exclude “the woven structure” and to alternatively recite “the support structure”;
3. dependent claim 22 recites “filter” and does not recite “filer”;
4. dependent claim 27 was previously amended to exclude “the substance in the radiation source” and to alternatively recite “the substance originating from the radiation source”; and
5. claim 28 depends from dependent claim 19 which provides a proper antecedent basis for “the strips” as recited in dependent claim 28.

The Applicant respectfully recognizes the indefiniteness status of dependent claims 15 and 16. The Applicant therefore has amended dependent claim 15 herein to recite “wherein at least the thin layer is manufactured by means of a chemical and/or physical deposition process” and amended dependent claim 16 herein to depend from dependent claim 13.

Withdrawal of the rejection of claims 12-28 herein under 35 U.S.C. §112, ¶2 as being indefinite is therefore respectfully requested.

- B.** Examiner Song rejected claims 12-18, 21-27, 29-34, 38 and 39 under 35 U.S.C. §102(b) as being anticipated WO2/059905 to *Wedowski*

The Applicant has thoroughly considered Examiner Song's remarks concerning the patentability of claims 12-18, 21-27, 29-34, 38 and 39 over *Wedowski*. The Applicant has also thoroughly read *Wedowski*. To warrant this §102(b) rejection of claims 12-18, 21-27, 29-34, 38 and 39, each and every element as set forth in the independent claims 12 and 29 must be either expressly or inherently described in *Wedowski*. See, MPEP §2131. To overcome this §102(b) rejection of independent claims 12 and 29, the Applicant has amended independent claims 12 to recite wherein the thin layer is preponderantly molybdenum, zirconium carbide (ZrC), zirconium dioxide, silicon carbide (SiC), silicon nitride (Si<sub>3</sub>N<sub>4</sub>), boron nitride (BN), or a combination thereof, and has amended independent claim 29 to recite “wherein the support structure is preponderantly molybdenum, zirconium carbide (ZrC), zirconium dioxide, silicon carbide (SiC), silicon nitride (Si<sub>3</sub>N<sub>4</sub>), boron nitride (BN), or a combination thereof”.

Specifically, as shown in FIGS. 4a-4c, 6a and 6b, the Applicant respectfully asserts that *Wedowski* describes having thin layers 1,2 that is preponderantly silicon, zirconium or niobium, and a support structure 3 that is nickel. The Applicant further respectfully asserts that *Wedowski* fails to teach or suggest a thin layer or a support structure that is preponderantly molybdenum, zirconium carbide (ZrC), zirconium dioxide, silicon carbide (SiC), silicon nitride (Si<sub>3</sub>N<sub>4</sub>), boron nitride (BN), or a combination thereof as recited in amended independent claims 12 and 29. See, *Wedowski* at column 2, line 31 to column 4, line 60.

Withdrawal of the rejection of independent claims 12 and 29 under 35 U.S.C. §102(b) as being anticipated by *Wedowski* is therefore respectfully requested.

Claims 13-18 and 21-27 depend from independent claim 12. Therefore, dependent claims 13-18 and 21-27 include all of the elements and limitations of independent claim 12. It is

therefore respectfully submitted by the Applicant that dependent claims 13-18 and 21-27 are allowable over *Wedowski* for at least the same reason as set forth herein with respect to independent claim 12 being allowable over *Wedowski*. Withdrawal of the rejection of dependent claims 13-18 and 21-27 under 35 U.S.C. §102(b) as being anticipated by *Wedowski* is therefore respectfully requested.

Claims 30-34, 38 and 39 depend from independent claim 29. Therefore, dependent claims 30-34, 38 and 39 include all of the elements and limitations of independent claim 29. It is therefore respectfully submitted by the Applicant that dependent claims 30-34, 38 and 39 are allowable over *Wedowski* for at least the same reason as set forth herein with respect to independent claim 29 being allowable over *Wedowski*. Withdrawal of the rejection of dependent claims 30-34, 38 and 39 under 35 U.S.C. §102(b) as being anticipated by *Wedowski* is therefore respectfully requested.

**C. Examiner Song rejected claims 12, 19, 20 and 28 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,178,509 to *More* et al. in view of WO2/059905 to *Wedowski***

The Applicant has thoroughly considered Examiner Song's remarks concerning the patentability of claims 12, 19, 20 and 28 over *More* in view of *Wedowski*. The Applicant has also thoroughly read *More* in view of *Wedowski*. To warrant this §103(a) rejection of claims 12, 19, 20 and 28, each and every element as set forth in the independent claim 12 must have been obvious to one skilled in the art at the time of the invention of independent claim 12 based on a reading of *More* in view of *Wedowski*. See, MPEP §2141. To overcome this §103(a) rejection of independent claim 12, the Applicant has amended independent claim 12 to recite "wherein the thin layer is preponderantly molybdenum, zirconium carbide (ZrC), zirconium dioxide, silicon carbide (SiC), silicon nitride (Si<sub>3</sub>N<sub>4</sub>), boron nitride (BN), or a combination thereof".

Specifically, the Applicant respectfully asserts that a reading of *More* in view of *Wedowski* suggests a thin layer that is preponderantly silicon, zirconium or niobium as taught by

*Wedowski*, but fails to teach or suggest a thin layer that is preponderantly molybdenum, zirconium carbide (ZrC), zirconium dioxide, silicon carbide (SiC), silicon nitride (Si<sub>3</sub>N<sub>4</sub>), boron nitride (BN), or a combination thereof. See, More at column 2, lines 52-68 and *Wedowski* at column 2, line 31 to column 4, line 60. Thus, at the time of the invention of independent claim 12, the Applicant further respectfully asserts that a reading of *More* in view of *Wedowski* failed to render obvious to one skilled in the art the limitation of “wherein the thin layer is preponderantly molybdenum, zirconium carbide (ZrC), zirconium dioxide, silicon carbide (SiC), silicon nitride (Si<sub>3</sub>N<sub>4</sub>), boron nitride (BN), or a combination thereof” as recited in amended independent claim 12.

Withdrawal of the rejection of independent claim 12 under 35 U.S.C. §103(a) as being unpatentable over *More* in view of *Wedowski* is therefore respectfully requested.

Claims 19, 20 and 28 depend from independent claim 12. Therefore, dependent claims 19, 20 and 28 include all of the elements and limitations of independent claim 12. It is therefore respectfully submitted by the Applicant that dependent claims 19, 20 and 28 are allowable over *More* in view of *Wedowski* for at least the same reason as set forth herein with respect to independent claim 12 being allowable over *More* in view of *Wedowski*. Withdrawal of the rejection of dependent claims 19, 20 and 28 under 35 U.S.C. §103(a) as being unpatentable over *More* in view of *Wedowski* is therefore respectfully requested.

**D.** Examiner Song rejected claim 37 under 35 U.S.C. §103(a) as being unpatentable over WO2/059905 to *Wedowski* in view of U.S. Patent Publication 2003/0020890A1 to *Ogushi* et al.

Claim 37 depends from independent claim 29. Therefore, dependent claim 37 includes all of the elements and limitations of independent claim 29. It is therefore respectfully submitted by the Applicant that dependent claim 37 is allowable over *Wedowski* in view of *Ogushi* for at least the same reason as set forth herein with respect to independent claim 29 being allowable

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over *Wedowski*. Withdrawal of the rejection of dependent claim 37 under 35 U.S.C. §103(a) as being unpatentable over *Wedowski* in view of *Ogushi* is therefore respectfully requested.

**New Claims 40-45.** The Applicant respectfully asserts that the art of record, alone or in combination, fails to teach or suggest a filter “consisting of a single thin layer that is transparent to extreme ultraviolet and/or soft X-ray radiation, wherein the thin layer is preponderantly zirconium, niobium, silicon, molybdenum, zirconium carbide (ZrC), zirconium dioxide, silicon carbide (SiC), silicon nitride (Si<sub>3</sub>N<sub>4</sub>), boron nitride (BN), or a combination thereof” as recited in new independent claim 40. In particular, *Wedowski* teaches a multi-layer filter as shown in FIGS. 4a-4c, 6a and 6b, and fails to teach or suggest a single layer filter. An allowance of independent claim 40 and claims 41-45 depending from independent claim 40 is therefore respectfully requested.

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## **SUMMARY**

The Applicant respectfully submits that claims 12-45 as listed herein fully satisfy the requirements of 35 U.S.C. §§102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Song is respectfully requested to contact the undersigned at the telephone number listed below.

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Respectfully submitted,  
Rolf Theo Anton Apetz

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PHILIPS INTELLECTUAL PROPERTY  
& STANDARDS  
P.O. Box 3001  
Briarcliff Manor, New York 10510

Chris M. Ries  
Registration No. 45,799  
Attorney for Appellant

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WOODARD, EMHARDT, MORIARITY,  
MCNETT, AND HENRY, LLC.  
111 Monument Circle, Suite 3700  
Indianapolis, Indiana 46204-5137

/Darrin Wesley Harris, 40636/  
Darrin Wesley Harris  
Registration No. 40,636  
Attorney for Applicant